

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

1. KYLE HESTER, on behalf of himself,)	
and others similarly situated,)	
)	
Plaintiff,)	
v.)	Case No. CIV-2019-358-KEW
)	
1. ED F. DAVIS, INC., a/k/a Ed F. Davis of)	
Oklahoma, Inc.,)	
)	
)	
Defendants.)	

**PLAINTIFF’S MOTION FOR EXPEDITED CONSIDERATION
OF MOTION TO AMEND COMPLAINT**

Plaintiff respectfully request expedited consideration of Plaintiff’s “Application to Amend Complaint”, Dkt. 40. In support the Plaintiff shows this Court as follows:

1. Plaintiff seeks leave to add Seth Coxey as a plaintiff. Mr. Coxey claims that, like Plaintiff, he was required to work without pay by the Defendant and under similar circumstances as the Plaintiff. See Dkt. 40-1 (Proposed Amended Complaint).
2. Mr. Coxey’s damages began to accrue in December 2018.
3. The Fair Labor Standards Act provides for a two-year limitations period for FLSA violations. 29 U.S.C. § 255(a). Only if Plaintiff proves Defendant acted willfully will the statutory period extend to three years. *Id.*
4. Plaintiff seeks expedited consideration so that Mr. Coxey is not delayed in his ability to toll his statutory recovery period.

5. Although Mr. Coxey has filed a notice of consent to be a class plaintiff [Dkt. 39], this Court has not yet ruled on Plaintiff's for Conditional Certification filed March 2, 2020 [Dkt. 23] or on Plaintiff's Motion to Toll Statute of Limitations as to Putative Plaintiffs filed March 4, 2020 [Dkt. 24].
6. For these reasons Mr. Coxey's statute of limitations continues to run until he is allowed leave to become a named plaintiff in this case.

WHEREFORE, Plaintiff respectfully requests expedited consideration of Plaintiff's Motion to Amend filed as Dkt. 40.

RESPECTFULLY SUBMITTED THIS 14th DAY OF JULY 2020.

HAMMONS, HURST & ASSOCIATES

s/ Amber L. Hurst

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CERTIFICATE OF SERVICE

A true copy of the foregoing was filed and served by use of this Court's ECF system of filing and service to the opposing counsel below listed on this 14th day of JULY 2020.

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